



# HOUSE OF REPRESENTATIVES

HB 2260

foster care review board; continuation

Prime Sponsor: Representative Brophy McGee, et al., LD 28

---

**DP** Committee on Children & Family Affairs

**DP** Caucus and COW

**X** As Transmitted to the Governor

---

## **OVERVIEW**

HB 2260 continues the State Foster Care Review Board (State Board) for eight years and makes changes to: who may serve on foster care review boards, who may adopt, who may be adopted, who may be committed to the Arizona Department of Juvenile Corrections (ADJC) and who may certify prospective adoptive parents. Modifies timeframes for foster parent training and requires the Department of Child Safety (DCS) to review and hold public meetings on the implementation of foster home licensing rules and guidelines.

## **PROVISIONS**

1. Continues the State Board for eight years.
2. Permits the presiding judge of the juvenile court in a county to appoint persons employed at a child welfare agency to a local foster care review board (local board).
3. Requires the Arizona Supreme Court to appoint three persons to the State Board, rather than seven persons.
4. Stipulates that the presiding judge of the juvenile court in a county must appoint one member to the State Board for every ten local boards in a county, rather than one member for every three local boards.
5. Prohibits more than six members from the same county from being appointed to the State Board.
6. Permits an adult nonresident of the state to qualify to adopt a child if:
  - a. The child is a dependent and currently under the jurisdiction of the state juvenile court;
  - b. The child currently resides in the home of the applicant;
  - c. DCS placed the child in the home of the applicant;
  - d. DCS recommends the adoption of the child by the applicant; and
  - e. The local board has reviewed the child's case.
7. Stipulates that a child who is petitioned for adoption by an adult nonresident of the state is not required to be present in the state at the time of petition.
8. Allows an entity contracted by DCS to conduct an investigation and home study for foster home licensing or preadoption certification of any prospective adoptive parent before that parent can become certified to adopt a child.

9. Permits a written application for an adoption certification to be sent to an entity contracted by DCS in the form and content required by that entity.
10. Requires an entity contracted by DCS, upon receiving and accepting a written application from the prospective adoptive parent or parents, to conduct or cause to be conducted an investigation of the prospective parent.
11. Requires an entity contracted by DCS to submit a report to the juvenile court within 90 days of the original application, containing all relevant and material facts of the prospective parent's fitness to adopt children, including statutorily required information, and a definite recommendation for certifying the applicant.
12. Stipulates that notice may be provided to the board if an applicant for adoption who was certified as nonacceptable has petitioned the court to review the certification and the child sought to be adopted is in an out-of-home placement and is a dependent child or the subject of a dependency action.
13. Prohibits an applicant deemed nonacceptable to reapply for certification to an entity contracted by DCS for one year.
14. Exempts the spouse of the child's deceased great-uncle or great-aunt from statutory requirements relating to preadoption certification investigations and home studies if the great-uncle or great-aunt had legal and physical custody of the child and the child resided primarily with the spouse of that great-uncle or great-aunt within the 24 months leading up to their death.
15. Stipulates that an entity contracted by DCS must only submit an updated report if an applicant has adopted a child within the preceding three years before the current application, and may only submit an updated report if the applicant has adopted another child more than three years before the current application.
16. Exempts an applicant from statutory preadoption certification requirements if the applicant is a licensed foster parent who:
  - a. Is petitioning to adopt a child currently placed by DCS in the foster parent's home; and
  - b. DCS recommends adopt the child.
17. Prohibits a child from being committed to ADJC if they are only adjudicated dependent or incorrigible, unless the child is adjudicated delinquent and is not excluded for other statutory reasons.
18. Requires the board to review a child's case if they are a dependent child who is committed or awarded to the ADJC.
19. Modifies the foster parent training requirements for a license renewal from six hours per year to 12 hours over the two year period of licensure.
20. Requires the local board to review the cases of children placed by DCS in licensed foster homes.
21. Requires DCS to:
  - a. Review the implementation of the foster home licensing rules, guidelines and checklists;
  - b. Review the cases in which foster home licenses were denied;
  - c. Hold public meetings in order to receive input from foster families on the implementation of foster home licensing rules, guidelines and checklists;

## **HB2260**

- d. Identify any modifications required in the new rules, guidelines and checklists; and
- e. Provide a report of its findings to the Speaker of the House of Representatives and the President of the Senate before January 1, 2016.
  - i. Repeals these requirements on October 1, 2017.

22. Contains a legislative intent clause.

23. Applies retroactively to July 1, 2016.

24. Makes technical and conforming changes.

### **CURRENT LAW**

Laws 1978, Chapter 102, § 3, established the State Foster Care Review Board to review and coordinate the activities of the local boards and establish training programs for local foster care review board members (A.R.S. § 8-515.04). The State Board is comprised of seven persons appointed by the Arizona Supreme Court and members of local boards appointed by presiding juvenile court judges. Counties with more than one local board are only required to assign one member to the state board for every three local boards within the county.

### **ADDITIONAL INFORMATION**

In December 2015, the Senate Health and Human Services and the House Children and Family Affairs Committee of Reference conducted the Sunset Review of the State Board. The Committee of Reference recommended that the State Board be continued for eight years.